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OFFICE OF PETITIONS

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| In re Application of | : | |
| Clint J. Bishard | : | DECISION GRANTING PETITION |
| Application No. 10/087,132 | : | AND WITHDRAWING THE |
| Filed: March 1, 2002 | : | HOLDING OF ABANDONMENT |
| Attorney Docket No. 84262.5 | : | |

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 26, 2007.

The petition under 37 CFR 1.181 is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed August 29, 2006. This Office action set a shortened statutory period of three (3) months for reply. No reply having been received, the application became abandoned on November 30, 2006. A Notice of Abandonment was mailed on April 26, 2007.

Petitioner states that he did not receive the August 29, 2006 Office action. To establish non-receipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where

the non-received Office action would have been entered had it been received and docketed.¹ A proper docket report consists of a "docket record where the non-received Office action would have been entered had it been received and docketed."²

Here, petitioner has met the requirements to establish non-receipt. In particular, petitioner has submitted a satisfactory docket record showing all PTO actions received during the period from August 29, 2006 to September 29, 2006. An entry for the instant application is absent, supporting the conclusion that the Office action was not received.

Accordingly, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application is being forwarded to Group Art Unit 2616 for re-mailing of the August 29, 2006 Office action to the above address of record, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c)(II).

² Id.